

# COMMITTEE REPORT

## MR. PRESIDENT:

**The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill No. 136, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:**

- 1       Page 6, line 6, delete "be affiliated with" and insert "**comply with**
- 2       **any candidate requirement set by state party rules.**"
- 3       Page 6, delete lines 7 through 9.
- 4       Page 9, line 34, strike "(a)".
- 5       Page 9, line 39, strike "(b) The election division shall, not later than
- 6       noon".
- 7       Page 9, delete line 40.
- 8       Page 9, strike lines 41 through 42.
- 9       Page 9, after line 42, begin a new paragraph and insert:
- 10       "SECTION 16. IC 3-8-7-14, AS AMENDED BY P.L.260-2001,
- 11       SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12       JULY 1, 2003]: Sec. 14. (a) **This section does not apply to the**
- 13       **certification of nominees under IC 3-10-4-5.**
- 14       (b) A certificate of nomination required to be filed with the election
- 15       division or circuit court clerk shall be filed not later than noon July 15
- 16       before the date fixed for the election of the person nominated."
- 17       Page 10, line 2, after "(a)" insert "**This section does not apply to**
- 18       **the certification of nominees under IC 3-10-4-5.**
- 19       (b)".
- 20       Page 10, line 4, reset in roman "August 20".

- 1 Page 10, line 4, delete "seventy-four (74) days before the date of".
- 2 Page 10, line 5, delete "the general election".
- 3 Page 10, line 5, strike "(or noon sixty (60) days before the general".
- 4 Page 10, strike line 6.
- 5 Page 10, reset in roman line 7.
- 6 Page 10, line 24, strike "(b)" and insert "(c)".
- 7 Page 19, between lines 11 and 12, begin a new paragraph and insert:
- 8 "SECTION 28. IC 3-10-4-5 IS AMENDED TO READ AS
- 9 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) This subsection
- 10 applies to a major political party and to a political party subject to
- 11 IC 3-8-4-10. The state chairman of each political party shall certify to
- 12 the election division the names of the nominees of the party for
- 13 President and Vice President of the United States and the state of
- 14 which each nominee is a resident.
- 15 (b) If candidates for presidential electors are nominated by
- 16 petitioners instead of by a convention of a major political party or a
- 17 party subject to IC 3-8-4-10, the petitioners shall certify with the list of
- 18 names of electors:
- 19 (1) the names of their nominees for President and Vice President
- 20 of the United States;
- 21 (2) the state of which each nominee is a resident; and
- 22 (3) the name of the political party of the nominees, or that the
- 23 nominees are an independent ticket.
- 24 (c) This subsection applies to a political party described in
- 25 subsection (a) and to candidates nominated by petitioners under
- 26 subsection (b). The names of:
- 27 (1) all candidates for presidential electors; and
- 28 (2) all nominees for President and Vice President of the United
- 29 States;
- 30 shall be certified **by to the election division not later than noon on**
- 31 **the second Tuesday in September † before the general election. The**
- 32 **election division shall certify to each county election board not**
- 33 **later than noon on the second Thursday in September before the**
- 34 **general election the names of the nominees for President and Vice**
- 35 **President of the United States certified to the election division**
- 36 **under this subsection.**
- 37 (d) The names of all candidates for presidential electors for a
- 38 write-in candidate shall be included on the declaration for candidacy

1 filed by a write-in candidate for the office of President or Vice  
2 President of the United States filed under IC 3-8-2.".

3 Page 19, between lines 35 and 36, begin a new paragraph and insert:

4 "SECTION 31. IC 3-11-4-13 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. (a) Except as  
6 provided in ~~subsection~~ **subsections (b) and (c)**, the absentee ballots  
7 that are prepared and printed under the direction of the election  
8 division shall be delivered to the circuit court clerk or the clerk's  
9 authorized deputy not less than forty-five (45) days before a general  
10 election or twenty-nine (29) days before a special election. The  
11 absentee ballots shall be delivered in the same manner that other  
12 official ballots are delivered.

13 **(b) This subsection applies to the printing of absentee ballots for**  
14 **a general election in which the names of nominees for President**  
15 **and Vice President of the United States are to be printed on the**  
16 **ballot. The absentee ballots that are prepared and printed under**  
17 **the direction of the election division shall be delivered to the circuit**  
18 **court clerk not later than thirty-eight (38) days before the general**  
19 **election.**

20 **(c) An absentee ballot described by section 12(d) of this chapter**  
21 **shall be delivered by the election division to the circuit court clerk or**  
22 **the clerk's authorized deputy not later than the first Monday in June**  
23 **before a general election.**

24 SECTION 32. IC 3-11-4-14 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. All absentee ballots  
26 other than those specified in section 12 of this chapter shall be prepared  
27 and printed under the direction of each county election board. After  
28 completing the estimate required by section 10 of this chapter **and**  
29 **receiving all certifications from the election division required**  
30 **under IC 3-8 or IC 3-10**, the county election board shall immediately  
31 proceed to prepare and have printed the ballots. Ballots prepared by the  
32 county election board under this section must provide space for the  
33 voter to cast a write-in ballot.

34 SECTION 33. IC 3-11-4-15 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. **(a) Except as**  
36 **provided in subsection (b)**, the absentee ballots that are prepared and  
37 printed under the direction of a county election board shall be delivered  
38 to the circuit court clerk **(or the board acting under IC 3-6-5.2)** at

1 least:

2 (1) forty-five (45) days before a general, primary, or municipal  
3 election;

4 (2) thirty-two (32) days before a special election.

5 **(b) This subsection applies to the printing of absentee ballots for**  
6 **a general election in which the names of nominees for President**  
7 **and Vice President of the United States are to be printed on the**  
8 **ballot. The absentee ballots that are prepared and printed under**  
9 **the direction of a county election board shall be delivered to the**  
10 **circuit court clerk (or the board acting under IC 3-6-5.2) not later**  
11 **than thirty-eight (38) days before the general election."**

12 Page 22, line 21, delete "recount" and insert "contest".

13 Page 23, between lines 13 and 14, begin a new paragraph and insert:

14 "SECTION 44. IC 3-13-1-20, AS AMENDED BY P.L.260-2001,  
15 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2003]: Sec. 20. (a) This section applies to a political party  
17 subject to IC 3-8-4-10.

18 (b) A candidate vacancy that exists following the convention of the  
19 party shall be filled by the state committee of the political party not  
20 later than noon June 30 before election day. **The chairman of the state**  
21 **committee shall file a notice of intent to fill the candidate vacancy**  
22 **with the official who is required to receive a certificate of candidate**  
23 **selection under section 15 of this chapter. The notice must be filed**  
24 **not later than ten (10) days before the chairman fills the candidate**  
25 **vacancy.** The chairman of the state committee shall act in accordance  
26 with section 15 of this chapter to certify the candidate selected to fill  
27 the vacancy.

28 (c) This subsection applies to a candidate vacancy resulting from a  
29 vacancy on the general election ballot resulting from the failure of the  
30 convention to nominate a candidate for an office. The certificate  
31 required by subsection (b) shall be filed not later than noon July 3  
32 before election day.

33 (d) This subsection applies to all candidate vacancies not described  
34 by subsection (c). The certificate required by subsection (b) shall be  
35 filed not more than three (3) days (excluding Saturdays and Sundays)

- 1 after selection of the candidates.".
- 2 Renumber all SECTIONS consecutively.  
(Reference is to SB 136 as introduced.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 9, Nays 0.

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**Lawson C**

**Chairperson**